

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

VERIFIED ANSWER

-against-

Docket No. CV 08 6446

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Defendant(s)

-----X

The defendant, **STEVE J. KURUVILLA, M.D.**, by **ANDREW M. CUOMO**, Attorney
General of the State of New York, for his answer herein alleges upon information and belief:

ANSWERING AS TO THE PARTIES

FIRST: Denies any knowledge or information sufficient to form a belief as to the truth
of each and every allegation contained in paragraph(s) **1, 2, 3, 4, 5, 6, 7, 8, 15, 17, 18, 19, 20, 21,
22 and 23** of the complaint.

SECOND: Denies each and every allegation as it relates to the answering defendant and
otherwise denies knowledge or information sufficient to form a belief as to the truth of each and
every allegation contained in paragraph(s) **9, 10 and 11** of the complaint.

THIRD: Denies any knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph(s) **12, 13 and 16** of the complaint except states that the answering defendant was a graduate medical student and resident physician at SUNY Health Sciences Center at Stony Brook.

FOURTH: Denies any knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph **14** of the complaint except states that the answering defendant was a graduate medical student and resident physician at SUNY Health Sciences Center at Stony Brook possessing the degree of skill and competence to render medical care and treatment in accordance with standards of accepted medical and psychiatric care and practice relative to his status and position at the time.

ANSWERING AS TO JURISDICTION

FIFTH: Denies any knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph(s) **24, 25 and 26** of the complaint.

SIXTH: Admits that the answering defendant is a resident of the State of New York and otherwise denies any knowledge or information sufficient to form a belief as to the truth of each and every allegation as to all others contained in paragraph **27** of the complaint.

SEVENTH: Denies each and every allegation contained in paragraph **28** of the complaint.

ANSWERING AS TO VENUE

EIGHTH: Denies each and every allegation as to the answering defendant in the form alleged and otherwise denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph **29** of the complaint.

ANSWERING AS TO JURY DEMAND

NINTH: Denies each and every allegation as to the answering defendant in the form alleged in paragraph **30** of the complaint and refer all questions of law to this Honorable Court.

ANSWERING AS TO THE FIRST CAUSE OF ACTION

TENTH: Except as hereinbefore stated or otherwise pleaded, denies each and every allegation repeated, reiterated and realleged in paragraph **31** of the complaint.

ELEVENTH: Denies any knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph **32** of the complaint.

TWELFTH: Denies each and every allegation as to the answering defendant in the form alleged and otherwise denies any knowledge or information sufficient to form a belief as to the truth of each and every allegation as to all others contained in paragraph **33** of the complaint and refers all questions of law to this Honorable Court.

THIRTEENTH: Denies each and every allegation as it relates to the answering defendant and otherwise denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph(s) **34, 35, 36, 37 and 38** of the complaint.

FOURTEENTH: Denies each and every allegation contained in paragraph **39** of the complaint.

ANSWERING AS TO THE SECOND CAUSE OF ACTION

FIFTEENTH: Except as hereinbefore stated or otherwise pleaded, denies each and every allegation repeated, reiterated and realleged in paragraph **40** of the complaint.

SIXTEENTH: Denies each and every allegation as it relates to the answering defendant and otherwise denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph(s) **41, 42, 43 and 44** of the complaint.

SEVENTEENTH: Denies each and every allegation contained in paragraph **45** of the complaint.

FIRST AFFIRMATIVE DEFENSE

EIGHTEENTH: The complaint fails to state a cause of action against the answering defendant.

SECOND AFFIRMATIVE DEFENSE

NINETEENTH: The injuries or damages complained of were caused in whole or in part or contributed to by plaintiff and plaintiff's-decedent's own culpable conduct and want or care or the culpable conduct and want of care of others over whom the answering defendant had no control without any negligence, fault or want of care on the part of answering defendant.

THIRD AFFIRMATIVE DEFENSE

TWENTIETH: Any past or future costs or expenses incurred, or to be incurred, by the plaintiff for medical care, dental care, custodial care or rehabilitative services, loss of earnings or other economic loss that has been or may be replaced or indemnified, in whole or in part, from a collateral source as defined in Section 4545(c) of the New York Civil Practice Law and Rules and/or applicable Federal Law shall not be recoverable from the answering defendant, and the amount of such damages will be diminished by the amount of the funds which plaintiff has or may receive from such collateral source.

FOURTH AFFIRMATIVE DEFENSE

TWENTY-FIRST: The answering defendant invokes the protection of Articles 14 and 16 of the New York Civil Practice Law and Rules and Section 15-108 of the General Obligations Law and/or applicable Federal Law and reserves all rights pursuant thereto.

WHEREFORE, the answering defendant demands judgment dismissing the complaint herein.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600
Fax (914) 834-0152

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**NOTICE OF
EXAMINATION
BEFORE TRIAL**

Docket No. CV 08 6446

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Defendant(s)
-----X

S I R S :

PLEASE TAKE NOTICE that pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, the testimony, upon oral examination of the Plaintiff, MASOOD HYDER ; Defendants, ANDREW FRANCIS, M.D. and EDMUND MURPHY, R.N. as adverse parties will be taken by the defendant STEVE J. KURUVILLA, M.D., at:

Date: September 24, 2008
Time: 10:00 a.m.
Place: Office of the Attorney General
120 Broadway - Room No. 23C55
New York, NY 10271,

PLEASE TAKE FURTHER NOTICE that said persons to be examined are required to produce at such examination the following including but not limited to:

any and all bills, books, papers, diaries, writings and other memoranda in their possession, custody or control of such party or that of their attorneys relating to the event in issue or any element of the claimed damages to be marked as exhibits, and used on the examination.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

_____/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600
Fax (914) 834-0152

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased

Plaintiff(s),

-against-

DEMAND FOR
AUTHORIZATIONS

Docket No. CV 08 6446

STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),

Defendant(s)

-----X
S I R S :

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 34 of the Federal Rules
of Civil Procedure, you are hereby required to forward to the Attorney General of the State of New
York, 120 Broadway, Room 23-23, New York, New York 10271, attorney for the defendant
Kuruvilla duly executed and acknowledged written authorizations permitting the Attorney General
of the State of New York to obtain photostatic copies and have full disclosure of all such records
relating to the plaintiff(s)/decedent including but not limited to:

1. Duly executed and acknowledged written authorizations permitting
the defendant to obtain photostatic copies of all complete hospital
records, including psychiatric hospital records for any and all
hospitalizations of the plaintiff(s) and/or plaintiff(s) decedent(s), both
in-patient and out-patient, during plaintiff(s) and or plaintiff(s)
decedent(s) lifetime, **including but not limited to records of any
and all prior and subsequent treating facilities related to this**

action, including x-ray and technician's reports, therapy reports and pharmacy records and/or prescriptions rendered to the plaintiff.

2. Duly executed and acknowledged written authorizations permitting the defendant to obtain copies of all records of medical treatment rendered to the plaintiff(s) and/or plaintiff(s) decedent(s), including x-ray and technicians' reports; doctors reports; nurses and therapists reports, lab reports and pharmacy records and/or prescriptions rendered to the plaintiff.
3. Duly executed and acknowledged written authorizations permitting the defendant to obtain copies of all plaintiff(s) decedent(s) High School transcripts and/or records.
4. Duly executed and acknowledged written authorizations permitting the defendant to obtain copies of all plaintiff(s) decedent(s) College transcripts and/or records.
5. Duly executed and acknowledged written authorizations permitting the defendant to obtain copies of the plaintiff(s) decedent(s) birth certificate and passport(s).

PLEASE TAKE FURTHER NOTICE, that all medical authorizations comply with and are to be completed in accordance with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) and in compliance with *Arons v. Jutkowitz*, 9 N.Y.3d 393, 850 N.Y.S.2d 345 (2007), if applicable. All medical authorizations are to include complete addresses and should be for all records relating to the plaintiff(s) and/or plaintiff(s) decedent(s) without limitations including the full names and addresses of the persons and/or entities referred to, as well as the exact dates of admissions, treatment, attendance, or other relevant dates, where applicable. Additionally, please provide identifying information necessary to acquire records including: hospital identification number, Social Security number of the plaintiff(s) and/or plaintiff(s) decedent(s), Blue Cross/Blue Shield identifying number, if different from Social Security number; full name and address of employer, dates of employment, full name and address of pharmacy and prescription numbers.

PLEASE TAKE FURTHER NOTICE, that your failure to comply with this Demand within twenty (20) days from the date herein, will result, inter alia, in a motion to preclude any evidence or testimony regarding the plaintiff(s) and/or plaintiff(s) decedent(s) mental or physical condition at the trial of this action.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
Tel. No. (914) 834-6600

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased

Plaintiff(s),

-against-

STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),

Defendant(s)
-----X

**NOTICE FOR
DISCOVERY AND
INSPECTION OF
EMPLOYMENT
RECORDS/INCOME
TAX RETURNS**

Docket No. CV 08 6446

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules
of Civil Procedure the plaintiff is required to produce for discovery, inspection and copying by
counsel for defendant, **Kuruvilla** the following:

1. The names and address of all institutions, firms, corporations, partnerships,
person or others by whom the plaintiff(s) and/or plaintiff(s) decedent(s) received salary and/or
income benefits.
2. Duly executed authorizations to permit the Attorney General of the State of
New York, to obtain the records of the aforesaid with respect to the plaintiff(s) and/or
plaintiff(s) decedent(s) earnings, positions, title, working capacity, record of attendance, record of

illness and employment status.

3. All W-2 Forms in the possession of plaintiff(s) or plaintiff(s) representative(s).

4. Copies of all Federal, State and Local Income Tax returns filed by or on behalf of each plaintiff. In the event that neither plaintiff(s) nor plaintiff(s) representatives are in possession of such returns forward duly executed authorizations, on the form required by the applicable agency in possession of such returns to permit the Attorney General of the State of New York, to obtain copies; setting forth the social security number of each plaintiff.

It is requested that the aforesaid production be made within twenty (20) days of the date herein at 10:00 at the office of **ANDREW M. CUOMO**, Attorney General of the State of New York, 120 Broadway, New York, New York 10271.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**DEMAND FOR
COLLATERAL SOURCE
INFORMATION**

Docket No. CV 08 6446

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Defendant(s)

-----X

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules
of Civil Procedure, counsel for defendant(s) demands that plaintiff(s) serve a Verified Statement,
setting forth:

1. Whether plaintiff(s) have/has been reimbursed or indemnified for economic
loss claimed in this action from any collateral source:

- a. If the answer to the foregoing is in the affirmative,
state for which of such claims plaintiff(s) have
received payment, the amount thereof and the name
and address of the person firm or organization who
made such payment.

- b. If such payment was made by an insurance company, state the number of the policy under which it was paid.
- 2. Whether plaintiff(s) have/had made claim for payment for economic loss which has not as yet been paid.
 - a. If the answer to the foregoing is in the affirmative, state the name of the person, firm or organization to who such claim was presented, the date of presentation and the amount claimed.
 - b. If such claim was presented to an insurance company, state the number of the policy under which same was made.

PLEASE TAKE FURTHER NOTICE, that failure, to comply with the said demand within twenty (20) days from the date herein, will result in a motion for appropriate relief.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**DEMAND FOR
STATEMENT OF
DAMAGES**

Docket No. CV 08 6446

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Defendant(s)

-----X

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, a demand is hereby made upon the plaintiff(s) or his/her/their attorneys to serve upon the undersigned within twenty (20) days hereof, a supplemental demand stating the total damages to which the plaintiff(s) deems him/herself/themselves entitled in this action.

PLEASE TAKE FURTHER NOTICE, that failure, to comply with the said demand within twenty (20) days from the date herein, will result in a motion for appropriate relief.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
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(914) 834-6600

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

**NOTICE FOR
DISCOVERY
AND INSPECTION
OF LETTERS**

Docket No. CV 08 6446

Defendant(s)

-----X

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules
of Civil Procedure you are hereby required to produce for discovery, inspection and copying:

1. Estate tax returns, both State and Federal;
2. Copy of all wills of plaintiff's decedent;
3. Estate tax waivers;
4. Copy of gift tax returns of deceased;
5. Letters Testamentary or Letters of
Administration

6. Application(s) filed by plaintiff to be appointed Administratrix or Administrator of the estate of plaintiff's decedent;
7. Copy of Autopsy Report;
8. Copy of death certificate;
9. Copy of Medical Examiners Report;
10. Copy of all funeral expenses.

It is requested that the aforesaid production be made within twenty (20) days of the date herein at 10:00 a.m. at the law office of **ANDREW M. CUOMO**, Attorney General of the State of New York, Claims Bureau, Room 23-23, 120 Broadway, New York, New York 10271. Inspection will be made and copying will be done at the answering defendant(s)' expense, and the documents will be promptly returned after copying has been completed.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

**NOTICE FOR
DISCOVERY
AND INSPECTION
OF WITNESSES**

Docket No. CV 08 6446

Defendant(s)

-----X

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the plaintiff(s) are hereby required to produce for discovery, inspection and copying by counsel for answering defendant(s) the following:

1. The names, residence address and business address of the following persons claimed by the plaintiff(s) to be witnesses herein.
 - a. Any and all persons claimed plaintiff(s) to have witnessed the treatment(s) which was allegedly rendered by the answering defendant herein, including witnesses to any physical

examination, test consultation prescription or advice performed at the request of, on behalf of, or rendered by defendant herein.

- b. Any and all persons claimed by the plaintiff(s) to have witnessed any of the treatment rendered by any of answering defendant(s) herein.
- c. Any and all persons claimed by the plaintiff(s) to have witnessed the occurrence of the alleged malpractice herein.
- d. All persons claimed by the plaintiff(s) to have witnessed the occurrence of, cause of, or inception of the injuries alleged herein.

PLEASE TAKE FURTHER NOTICE, that the time, place, manner and making the inspection, copying, testing and photographing will be held twenty (20) days from the date herein at the offices of **ANDREW M. CUOMO**, Attorney General of the State of New York, 120 Broadway, Room 23-23, New York, New York 10271, and failure to comply with said demand will result in a motion for appropriate relief.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
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(914) 834-6600

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
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DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

**DEMAND FOR
NAMES OF OTHER
ATTORNEYS**

Docket No. CV 08 6446

Defendant(s)

-----X

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, you are hereby required to provide to the undersigned a list of those attorneys who have appeared in this action, together with their addresses and the names of the party for whom such attorney has appeared.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO

Attorney General of the

State of New York

Attorney for Defendant

Steve J. Kuruvilla, M.D.

By:

/S/

Bridget E. Farrell

BF ■ 1491

Office & P.O. Address

120 Broadway

New York, New York 10271

Tel. No. (212) 416-8500

Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Defendant(s)
-----X

**NOTICE FOR
DISCOVERY AND
INSPECTION OF
PHOTOGRAPHS
SURVEILLANCE
PICTURES AND
MATERIALS**

Docket No. CV 08 6446

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, you are requested to produce for discovery and inspection and copying at the office of the undersigned, any and all photographs, videotapes, recordings, films, motion pictures and materials of the plaintiff(s) decedent(s), if any, taken either before or after the incidents which are the subject matter of this lawsuit.

If no such photographs, videotapes, recordings, films, motion pictures and materials are known to you or your representatives, so state in reply to this Demand. If such photographs, videotapes, recordings, films, motion pictures and materials become known to you and/or representatives subsequent to the service of this Notice, such information is required to be furnished

to the undersigned whenever so obtained.

PLEASE TAKE FURTHER NOTICE, that failure, to comply with the said demand within twenty (20) days from the date herein, will result in a motion for appropriate relief.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**DEMAND FOR EXPERT
WITNESS INFORMATION**

Docket No. CV 08 6446

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Defendant(s)

-----X

S I R S :

PLEASE TAKE NOTICE, that demand is hereby made upon you by counsel for
answering defendant **Kuruvilla**, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure
to produce:

- (a) The name(s) of any and all persons plaintiff expects to call as expert witnesses at the time of trial of the above-captioned action, and
- (b) A detailed written statement as to:
 - i. The subject matter on which each expert is expected to testify;
 - ii. The substance of the facts and opinions on which each expert is expected to testify;
 - iii. The qualifications of each expert witness; and

- iv. A summary of the grounds for each expert's opinion.
- (c) In reasonable detail, the qualification of each expert witness.
In a medical malpractice case include the following:
 - v. Where did the expert attend medical school and when did he/she graduate?
 - vi. Did the expert attend internship, residency and/or fellowship? If so, where and what dates?
 - vii. Does the expert specialize in any areas of medicine? If so, what area(s)?
 - viii. Is the expert Board Certified in any areas of medicine? If so, what area(s), and year(s) of certification(s) and re-certification(s)?
 - ix. Is the expert licensed to practice medicine in the United States or any other jurisdiction(s)? If so, where and when was he/she licensed?
 - x. What is the geographic area of the expert's hospital affiliations, if any?
 - xi. A list of his/her publications, authorships, contributions to publications, editorships, with specific citations as to dates of publication, volume number or other identifying information.
 - xii. A list of his/her employers, past and present.
 - xiii. A list of his/her academic appointments, past and present.

PLEASE TAKE FURTHER NOTICE, that failure to comply with the said demand within twenty (20) days from the date herein, will result in a motion for appropriate relief.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO

Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.
By:

/S/

Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**DEMAND FOR
DISCOVERY AND
INSPECTION OF
RADIOLOGICAL
STUDIES AND REPORTS**

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Docket No. CV 08 6446

Defendant(s)

-----X

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, you are hereby required to produce for discovery and inspection and photocopying at the Offices of the undersigned within twenty (20) days from date of service of this Notice upon you, a copy of the x-ray, films, scans, sonograms and/or other radiological films taken of the plaintiff(s) decedent(s).

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased

Plaintiff(s),

-against-

**NOTICE FOR
DISCOVERY AND
INSPECTION OF
MEDICAL RECORDS
OF PRIOR MATERIALS**

STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),

Docket No. CV 08 6446

Defendant(s)

-----X
S I R S :

PLEASE TAKE NOTICE that pursuant to Rules 26 and 34 of the Federal Rules of
Civil Procedure, the plaintiff is hereby required to produce for discovery, inspection and copying
by counsel for answering defendant, **Kuruvilla** the following:

1. The names and addresses of any physicians, medical institutions, medical
personnel, nursing services or hospitals whom the decedent saw, consulted with, received advice
from or prior to the alleged negligence suffered by the decedent.

2. Authorizations to obtain reports and records of the aforesaid physicians,

institutions, medical personnel, hospitals and/or nursing services.

It is requested that the aforesaid production be made within twenty (20) days of the date herein at 10:00 a.m., at the offices of **ANDREW M. CUOMO**, Attorney General of the State of New York, 120 Broadway, New York, New York 10271. Inspection will be made and copying will be done at the answering defendant's expense, and the documents will be promptly returned after copying has been completed.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**NOTICE TO PRODUCE
ECONOMIST/ACTUARY
WITNESS INFORMATION**

Docket No. CV 08 6446

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Defendant(s)

-----X

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the plaintiff is hereby required to produce the following at the office of the undersigned.

1. The name of each economist/actuary who you expect to call as an expert witness at trial.
2. Disclose in reasonable detail the qualifications of each such expert witness.
3. Disclose in reasonable detail the substance of the facts and opinions on which each expert economist/actuary is expected to testify, including:
 - a. A description in reasonable detail of the substance of the

losses for which such calculations will be made.

- i. Present value of net (after tax) and gross future lost earnings;
 - ii. Present value of future medical expenses (by item);
 - iii. Present value of any other future monetary sums (please identify);
- b. The undiscounted amount of such loss;
 - c. The present value of such loss;
 - d. The discount rate (broken down by presumed inflation rate and presumed rate of return specifying the investment instrument) applied by such person to determine present value and the reason for such rates;
 - e. The number of years involved in the discounting process and the opinions and facts on which the economist bases the determination of that number of years;
 - f. The rate of inflation applied by such person in computing the values indicated in Item 3(a) above;
 - g. With regard to growth of future income on an annual or other basis at a projected rate of income greater than the income earned by the plaintiff(s) and/or plaintiff(s) decedent(s) when last employed, state in reasonable detail the growth rate for such income as estimated by such person and the opinions and facts on which that estimate is based;
 - h. State in reasonable detail each factor other than those which have been noted above, which the economist/actuary has used in calculating the net amount of the present value of the loss;
 - i. With regard to information secured from any text, publication, graph, chart, index or study upon which the expert relied in reaching his conclusions, describe or designate such items in writing with reasonable specificity to permit its identification and location by answering defendant(s);
 - j. The present value from projected income stream allocated to

personal consumption of plaintiff(s) and/or plaintiff(s) decedent(s);

- k. The plaintiff's current Federal tax bracket.
4. Disclose in reasonable detail a summary of the mathematical calculations involved in deriving the expert's conclusion.
5. Please produce for discovery and inspection at the office of the undersigned withing twenty (20) days after service of a copy of this demand a copy of the reports of the economist/actuary.

PLEASE TAKE FURTHER NOTICE, that this Demand is a continuing demand for information regarding expert economists/actuaries retained by you for trial. Failure to comply with this Notice in a timely manner shall be grounds for an Order precluding you from offering the testimony at trial of any expert witness whose name and expected testimony is not disclosed, striking the Complaint, dismissing the action and/or such other relief as the Court deems just under the circumstances.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**DEMAND FOR
MEDICARE AND/
OR MEDICAID
INFORMATION**

Docket No. CV 08 6446

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Defendant(s)

-----X
S I R S :

PLEASE TAKE NOTICE, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, demand is hereby made that plaintiff provide to the undersigned within (20) days of service of this demand duly executed and acknowledged written authorizations enabling the undersigned to obtain copies of records of the following:

1. State whether plaintiff(s) and/or plaintiff(s) decedent(s) received **MEDICARE** benefits.
2. If the answer to Number 1 is yes, then provide:
 - (a) Plaintiff(s) and/or plaintiff(s) decedent(s) identification

number;

(b) Address of office providing the Medicare benefits; and,

(c) File Number of office providing the Medicare benefits.

1. State whether plaintiff(s) and/or plaintiff(s) decedent(s) received **MEDICAID** benefits.
2. If the answer to Number 1 is yes, then provide:
 - (a) Plaintiff(s) and/or plaintiff(s) decedent(s) identification number
 - (b) Address of office providing the Medicaid benefits; and,
 - (c) File number of office providing the Medicaid benefits.

Said authorizations are to contain full and proper names and addresses, together with any necessary identifying information, such as the date of birth of patient, social security numbers, dates of treatment, policy numbers and claim numbers, if applicable, to expedite procurement of these records.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**DEMAND FOR
DISCOVERY AND
INSPECTION**

Docket No. CV 08 6446

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Defendant(s)

-----X

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, you are hereby directed to produce for discovery and inspection, at the office of **ANDREW M. CUOMO**, Attorney General of the State of New York, 120 Broadway, Room 23-23, New York, New York 10271, the following items:

1. The full caption of each and every lawsuit brought on plaintiff decedent's behalf to recover damages for any connected or aggravated injuries allegedly caused and sustained by reason of the acts of one or more preceding, joint, concurrent and/or succeeding tortfeasors, including:
 - a. Court;

- b. Index Number;
- c. Calendar number;
- d. Names and addresses of all litigants;
- e. Names and addresses of all attorneys appearing for the litigators;
- f. Status of lawsuit.
 - 1. If not noticed for trial, specify the date;
 - 2. If settled, annex a copy of each Release; delivered indicating the amounts contributed by each answering defendant;
 - 3. If discontinued without payment, annex a copy of each Stipulation so delivered to each answering defendant;
 - 4. If tried, annex a copy of the Judgment with Notice of Entry;
 - 5. If Judgment was satisfied, set forth date and amount of payment and annex a copy of Satisfaction of Judgment.
- 2. Copies of any and all records of the defendants in the plaintiff's possession.

PLEASE TAKE FURTHER NOTICE, that the within Demand is a continued Demand. In the event the above items are obtained after the service of this Demand, they are to be furnished to this office.

PLEASE TAKE FURTHER NOTICE, that in lieu of producing the items demanded herein, the plaintiff may submit to the undersigned true and conformed copies of the items demanded herein at any time prior to the aforesaid date.

PLEASE TAKE FURTHER NOTICE, that upon your failure to produce the aforesaid items at the time and place required in this notice, a Motion will be made for the appropriate relief to this Court.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO

Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/

Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**DEMAND FOR
LETTERS**

Docket No. CV 08 6446

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Defendant(s)

-----X

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, you are hereby directed to produce for discovery and inspection, at the office of **ANDREW M. CUOMO**, Attorney General of the State of New York, 120 Broadway, Room 23-23, New York, New York 10271, the following items:

Copies of petition, order and supporting papers for guardian ad litem appointment.

PLEASE TAKE FURTHER NOTICE, that these documents must be produced within twenty (20) days from the date of the within Notice.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**DEMAND FOR
PRODUCTION
OF DIARIES**

Docket No. CV 08 6446

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Defendant(s)

-----X

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, we hereby demand that you produce and furnish to the undersigned copies of all diaries, calendars and/or other written documents prepared by the plaintiff(s) and/or plaintiff(s) decedent(s) or any one on plaintiff(s) and/or plaintiff(s) decedent(s) behalf in which entries appear regarding the plaintiff(s) and/or plaintiff(s) decedent(s) medical care, medical appointments, conversations with physicians regarding the plaintiff(s) and/or plaintiff(s) decedent(s) medical condition, status, etc. and/or any other issue raised in this lawsuit.

PLEASE TAKE FURTHER NOTICE, that failure, to comply with the said demand within twenty (20) days from the date herein, will result in a motion for appropriate relief.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/
Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

-against-

**DEMAND FOR
PRODUCTION OF
CORRESPONDENCE**

Docket No. CV 08 6446

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Defendant(s)

-----X

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, we hereby demand that you serve upon the undersigned all documents, (including “e-mail”, “computer files”, “back-up tapes” and “floppy discs”), correspondence, notes or memoranda relating to communications between plaintiff(s) and/or plaintiff(s) decedent(s), agents, representatives and attorneys and the defendant including but not limited to:

- (a) Correspondence from plaintiff(s) and/or plaintiff(s) decedent(s), agents, representatives and attorneys to defendant;
- (b) Correspondence from defendant to plaintiff(s) and/or plaintiff(s) decedent(s) agents, representative(s) and attorney(s);
- (c) All documents, records or reports prepared

by the defendant.

(d) All correspondence from defendant to any third party.

If any of the documents requested herein is withheld under a claim of privilege, identify each such document and state the date of the document, identify its author and addressee, each person to whom copies of the document were furnished or to whom the contents thereof were communicated, a summary of the subject matter of the document, its present location and custodian, the basis upon which the asserted privilege is claimed and the requests to which the documents are responsive

If any of the documents requested herein have been destroyed, furnish a list identifying each such document, its author and addressee, each person to whom copies of the document were furnished or to whom the contents thereof were communicated, a summary of the substance of the document, the date upon which it was destroyed.

PLEASE TAKE FURTHER NOTICE, that failure, to comply with the said demand within twenty (20) days from the date herein, will result in a motion for appropriate relief.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO

Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

/S/

Bridget E. Farrell
BF ■ 1491
Office & P.O. Address
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8500
Bridget.Farrell@oag.state.ny.us

TO: JOSEPH LANNI, P.C.
138 Chatsworth Avenue, Suites 6-8
Larchmont, New York 10538
(914) 834-6600

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased**

Plaintiff(s),

**DISCLOSURE
STATEMENT
PURSUANT TO
RULE 26(a)**

-against-

Docket No. CV 08 6446

**STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),**

Defendant(s)

-----X

S I R S :

PLEASE TAKE NOTICE, that pursuant to Rule 26 (a) of the Federal Rules
of Civil Procedure, the undersigned on behalf of the defendant, **Kuruvilla** makes the following
disclosure:

AS TO DOCUMENTS KNOWN TO EXIST:

1. Stony Brook Hospital Chart
2. Doctor Kuruvilla’s notes
3. Stony Brook Student Health Records
4. Dr. Kuruvilla’s note to the University excusing decedent from his finals
(Dr. Kuruvilla does not have a copy of that note).

AS TO WITNESSES KNOWN TO EXIST:

1. Dr. Kuruvilla
2. Dr. Andrew Francis (Attending)
3. Medical Student whose name Dr. Kuruvilla does not recall
4. Rita Galvatrano (Social Worker)
5. Counselor from SUNY Stony Brook (name believed to be Shah)
6. Nurse by the name of Edmund Murphy
7. All other nurses whose names appear on the hospital chart
8. Patient's Brother, Father and Sister
9. Nurse Valerie (last name unknown)

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

_____/S/
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MASOOD HYDER, as Administrator of the
Estate of MOHAMED HYDER, Deceased

Plaintiff(s),

-against-

DEMAND FOR
INTERROGATORIES

Docket No. CV 08 6446

STEVE J. KURUVILLA, M.D., ANDREW FRANCIS,
M.D., STONY BROOK PSYCHIATRIC ASSOC.,
“EDMUND MURPHY, R.N.” (Identified as person
signing “Final Progress Note / Discharge Orders”
and “Individual Discharge Order Plan” in Stony Brook
Univ. Hosp. medical records on 12/21/07), and “JANE
DOE, L.C.S.W.” (name fictitious, full identity currently
unknown, identified only as mental health care
professional signing “Social Work Progress Note” in
Stony Brook Univ.Hosp. medical records on 12/21/07,
at 17:30),

Defendant(s)

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S I R S:

PLEASE TAKE NOTICE that pursuant to Rule 33 of the Federal Rules of Civil Procedure and Local Rule 33.3 for the Southern District of New York, defendant **Kuruvilla**, hereby demand that plaintiff answer the following interrogatories in writing and duly sworn to by the plaintiff within the time specified in said Rule and each answer to be set forth completely and fully as required by said Rule, individual answers to the Interrogatories hereinafter set forth with respect to defendant **Kuruvilla**.

PLEASE TAKE FURTHER NOTICE, that these interrogatories are deemed to be continuing up to and including the first day of trial of this action. The Demand is hereby made upon the plaintiff that she serve upon the undersigned attorneys for defendant written amended answers

to Interrogatories containing any information obtained by her concerning the subject matter of these Interrogatories which is obtained subsequent to the service and filing of the original answer to these Interrogatories.

2. Please state plaintiff(s) name, address, profession, professional address, and relationship to the decedent.

3. Please specify the names, dates of birth, and addresses of all children and immediate family of the decedent, indicating in your answer:

- a. those designated dependents of the decedent at the time of the alleged occurrence;
- b. any long term or permanent medical conditions affecting said children.

4. Set forth the social security numbers of the decedent(s) and the plaintiff(s).

5. State the date and place of decedent's birth and decedent's name at birth.

6. Is the plaintiff or its attorneys aware of any persons who have knowledge of any relevant facts to this case or who possess proof of any incident or fact?

7. If the answer to the preceding interrogatory is in the affirmative, please state the name and address of each such person and a statement or summary of the knowledge possessed by said person in regard to the alleged occurrence.

8. What are the total amounts claimed by the plaintiff as special damages for each of the following:

- a. Physicians' services with the names and addresses of said physicians;
- b. Nurse's services;
- c. Medical supplies;
- d. Hospital expenses with names and addresses of all hospitals;

- e. Loss of earnings;
 - f. Any other expenses;
 - g. Estimate of and reason for any anticipated future expenses.
9. State separately:
- a. The vocation or occupation of the decedent and plaintiff;
 - b. Average daily, weekly or monthly earnings from such vocation or occupation;
 - c. Name and address of employer;
 - d. Length of time incapacitated from such vocation or occupation as a result of the injuries alleged;
 - e. Amount of earnings which will be claimed to have been lost as a result of such incapacitation.
10. Is any claim being made for loss of support?
11. If the answer to the preceding interrogatory is in the affirmative set forth:
- a. Whether decedent was employed immediately prior to death;
 - b. If decedent was self-employed, the nature of employment and earnings for the last five years from such self-employment;
 - c. For the five year(s) prior to death:
 - 1. Decedent's annual salary;
 - 2. Name and address of employer(s);
 - 3. Occupation(s) of decedent;
 - 4. Decedent's total gross earnings for each of the five years worked prior to death;
 - 5. The specific amounts and approximate dates when the amounts were received by each of the above persons from the deceased during the five years prior to decedent's death;

6. Yearly earnings which it is claimed have been lost as a result of decedent's death;

7. The last date decedent worked prior to death.

12. Set forth any additional pecuniary loss which will be claimed as a result of the alleged wrongful death.

12. Set forth any special damages claimed as a result of the death, including but not limited to:

- (a) funeral expenses and include the name and address of the funeral home.
- (b) burial and/or other final interment expense and include the name and address of place of final interment.
- (c) The name, address and affinity to decedent of each person who paid any of the above expenses.

13. If as a result of the occurrences alleged in the complaint, the decedent's estate has suffered any loss for which any present or potential lien has been or will be made with regard to that loss state:

- (a) the name and address of any such lien holder;
- (b) the date upon which the estate was notified of any such lien; and
- (c) the amount of any such lien.

14. Please state in full and complete detail any and all illness, injuries, disease, or operations the decedent suffered during the five-year period preceding the decedent's death, including in your answer the dates of said illness, injuries, disease, or operations and the names and addressess of the treating physicians.

15. If during the ten years preceding his death the decedent had been examined or treated for any injury or disease, state for each disease or injury:

- a. a description of same;
- b. the dates and places of treatment; and
- c. the names and addresses of all treating and examining physicians.

16. State and acknowledge the existence of any medical, psychiatric or psychological hospital records or documents pertaining to plaintiff's decedent which are or, or may be relevant to the injuries, illnesses and disabilities claimed to have been sustained as a result of the alleged occurrence. For each such relevant document set forth above, state:

- a. The custodian of each document;
- b. The location of each document; and
- c. A general description of each including any document or record identification number of each document.

17. State and list any and all other physical evidence pertaining to plaintiff's decedent and/or the injuries, illnesses and disabilities claimed to have been sustained as a result of the alleged occurrence, including but not limited to:

- a. All X-ray films pertaining to plaintiff's decedent;
- b. All written instructions or other documents received by plaintiff and plaintiff's decedent in connection with decedent's medical care;
- c. All electronically recorded conversations between plaintiff, plaintiff's decedent medical care.
- d. Any and all photographs, films or videotapes of plaintiff's decedent;
- e. any other physical evidence not enumerated above.

18. For each species of physical evidence set forth above, state:

- a. The custodian of each item of physical evidence;
- b. The location of each item of physical evidence; and
- c. The general description for each item of physical evidence, as well as any identifying number, letter or information for each item of physical evidence.

19. If plaintiff/decedent received examination, treatment or care at or in any clinic, hospital or other institution, please annex properly executed authorization permitting us to inspect and copy the clinic, hospital and/or other institutions records and physicians records.

20. Has plaintiff(s) been reimbursed or indemnified for economic loss claimed in this action from any collateral source?

21. If the answer to the preceding interrogatory is in the affirmative state:

- a. for which of such claims plaintiff(s) have received payment, the amount thereof and the name and address of the person, firm or organization who made such payment;
- b. If such payment was made by an insurance company, state the number of the policy under which it was paid.

22. Has plaintiff made any claim for payment for economic loss which has not yet been paid?

23. If the answer to the preceding interrogatory is in the affirmative state:

- a. The name of the person, firm, organization to whom such claim was presented;
- b. If such claim was presented to an insurance company, state the number of the policy under which same was paid.

Dated: New York, New York
August 27, 2008

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
Steve J. Kuruvilla, M.D.

By:

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